

PATENT

Atty. Dkt. No. ATT/2000-0636

REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application is anticipated under the provisions of 35 U.S.C. §112 or made obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIM 39 UNDER 35 U.S.C. §112

The Examiner has rejected claim 39 in the Final Office Action under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. In response, the Applicants have amended claim 39, which is fully supported by the language in the specification. Therefore, the Applicants respectfully request that the rejection of claim 39 under 35 U.S.C. §112 be withdrawn.

II. REJECTION OF CLAIMS 1-39 UNDER 35 U.S.C. §103

The Examiner has rejected 1-39 in the Office Action under 35 U.S.C. §103 as being unpatentable over Crane in view of the Myr patent (U.S. Patent 6,480,783, issued November 12, 2002, herein referred to as Myr). The Applicants respectfully traverse the rejection.

Crane discloses a data collection system that matches the positions of one or more cellular phones to data indicating the locations of roads in a geographic area to derive data about phones located in vehicles traveling along the roads. The data about phones located in vehicles traveling along the roads are used for updating or refining a geographic database, traffic monitoring and reporting, or for other purposes (see Crane, Abstract).

However, Crane fails to disclose the novel feature of providing a customized service to at least one mobile user device of the group (see Office Action, section 4, page 4) as set forth in the Applicant's independent claims. Consequently, the Examiner introduces Myr in an attempt to bridge the substantial gap existing between the present invention and Crane.

PATENT

Atty. Dkt. No. ATT/2000-0838

Myr teaches a system and method for real time vehicle guidance by Central Traffic Unit. The disclosed vehicle Guidance System includes a plurality of vehicles equipped with Individual Mobile Units including GPS units (position determining systems adapted to determine their present position) and communicatively linked to the Central Traffic Unit computer server. The Central Traffic Unit broadcasts the collected traffic patterns in real time thereby enabling the Individual Mobile Units to dynamically calculate the desired optimal travel paths. In response to a request from a driver for a route update from his present position to a desired destination, the Individual Mobile Unit searches for an optimal (usually fastest) route and shows it to the driver (see Myr, Abstract). In other words, the Central Traffic Unit only transmits raw collected data, while the individual mobile unit generates the interested data.

The Examiner's attention is directed to the fact that Crane in view of Myr fails to disclose or suggest a method or system for deriving information based on activities of a plurality of mobile devices that provides a customized service derived from the common trait to at least one mobile user device, as claimed in Applicants' independent claims 1, 17, 19, 20, 36, 38, and 39. Specifically, the Applicants' amended independent claims 1, 17, 19, 20, 36, 38, and 39 positively recite:

1. A method of deriving information based on activities of a plurality of mobile devices, the method comprising:
tracking movement of a plurality of mobile devices across a wireless network;
identifying a group of mobile devices utilized in a common location-based activity from the plurality of mobile devices based on the tracked movement;
determining a group property associated with the group of mobile devices; and
providing a customized service derived from said tracked movement to at least one mobile device of the group. (Emphasis added)

17. A method of providing a service to a plurality of mobile devices, the method comprising:
tracking the mobile devices across a wireless network;
identifying a group of mobile devices sharing one or more common traits from the mobile devices; and
providing a customized service to at least one mobile device of the group of mobile devices derived from the one or more common traits. (Emphasis added)

19. A method of deriving information based on activities of mobile devices, the method comprising:
tracking the mobile devices across one or more wireless networks;
identifying a group of mobile devices sharing one or more common traits from the mobile devices;

PATENT

Atty. Dkt. No. ATT/2000-0636

determining one of a group condition and a group property of the identified group of mobile devices; and

providing a customized service derived from the one or more common traits to at least one mobile device of the identified group. (Emphasis added)

20. A system for deriving information based on the activity of mobile devices, the system comprising:

memory medium for maintaining information corresponding to a movement of mobile devices in order to track the movement of mobile devices; and

at least one processor for identifying a group of mobile devices utilized in one or more common location-based activities from the mobile devices based on the tracked movement, for determining a group property associated with the group of mobile devices, and for providing a customized service derived from said tracked movement to at least one mobile device of the group. (Emphasis added)

36. A system for providing a customized service to mobile devices, comprising:

memory medium for maintaining information corresponding to the mobile devices in order to track the mobile devices; and

at least one processor for identifying a group of mobile devices sharing one or more common traits from the mobile devices and facilitating provision of a customized service to at least one mobile device of the group derived from the one or more common traits. (Emphasis added)

38. A system for determining group characterization of mobile devices based on the activity of the mobile devices, comprising:

memory medium for maintaining information on the mobile devices to track the mobile devices; and

at least one processor for identifying a group of mobile devices sharing one or more common traits from the mobile devices, for determining one of a group condition and a group property of the identified group of mobile devices, and for providing a customized service derived from the one or more common traits to at least one mobile device of the identified group. (Emphasis added)

39. A method of deriving information based on activities of a plurality of mobile devices, the method comprising:

tracking movement of the plurality of mobile devices across a wireless network;

identifying a group of mobile devices of said plurality of mobile devices traveling around a particular area;

determining a group velocity associated with the group of mobile devices;

deriving a traffic condition around the particular area based on the determined group velocity; and

providing a customized service derived from said traffic condition to at least one mobile device of the group. (Emphasis added)

The Examiner's attention is directed to the fact that the Individual Mobile Units disclosed in Myr are responsible for calculating the desired optimal travel paths (i.e., the customized service) after receiving traffic pattern data broadcasted by the Central Traffic Unit. More specifically, the optimal travel paths are generated at the individual

PATENT

Atty. Dkt. No. ATT/2000-0636

"car level" (i.e., not by the CTU) by each respective Individual Mobile Unit. Thus, the customer service is never provided to the mobile units as positively claimed by the Applicants. Conversely, the present invention transmits the customized service directly to the appropriate individual mobile device. It is unnecessary for the mobile unit to process the raw collected data since the host server has already derived the "information of interest" (see Applicants' specification, page 35, first paragraph). The host server subsequently transmits this information to the mobile devices as a customized service. By processing the customized service at the host server (as opposed to multiple mobile device locations taught by Myr), the added expense associated with additional processing power may be avoided.

Therefore, the Applicants submit that the combination of Crane and Myr fails to teach or suggest the claimed invention as a whole. The Examiner concedes that Crane fails to teach the novel feature of providing customized service to at least one mobile device of the group based on the derived traffic condition. Consequently, the Applicants submit that the substantial gap existing between the present invention and Crane is not bridged by the teachings of Myr. Like Crane, the Myr reference fails to disclose or suggest the provisioning of a customized service to at least one mobile user device as described by the Applicants' invention.

Since the combination of Crane and Myr fails to teach or suggest the invention as set forth in claims 1, 17, 19, 20, 36, 38, and 39, the Applicants submit that these independent claims fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Since claims 2-16, 18, 21-35, and 37 depend, either directly or indirectly, from claims 1, 17, 19, 20, 36, 38, and 39 and recite additional features thereof, the Applicants submit that claims 2-16, 18, 21-35, and 37 are also not made obvious by the teaching of Crane in view of Myr. Therefore, the Applicants submit that claims 2-16, 18, 21-35, and 37 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

PATENT

Atty. Dkt. No. ATT/2000-0836

Conclusion

Thus, the Applicants submit that claims 1-39 now fully satisfy the requirements of 35 U.S.C. §112 and §103. Consequently, the Applicants believe that these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

9/30/05

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